

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

**Thirteenth Congress
First Regular Session**

H.B. No. 3784

Introduced by Representative Carlos O. Cojuangco

EXPLANATORY NOTE

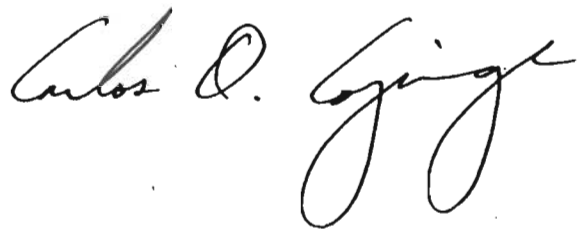
In a developing country like the Philippines, an investment in education is a necessity. This is actually recognized by the Constitution when it mandates that the biggest part of government resources, as enshrined in our annual budget, should be given to education.

However, even if our government upholds the Constitution and give education its due priority, our limited resources may not be able to provide for a quality and accessible education to every person. In the last few years, our level of education dipped with a growing number of students not being able to finish tertiary education.

Distance education may provide for the adequate solution for this emerging concern. It will allow many students; usually those suffering from unpleasant economic conditions, to pursue with their tertiary education without going through the regular process of going to school and make their employment and livelihood suffer.

This bill seeks to institutionalize and at the same time regulate the operation of colleges and universities which will offer open and distance education. It will provide for a venue to the aspirations of our out of school youth and adults to achieve their career goals.

In view of the foregoing, early passage of this bill is earnestly requested.



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AN ACT
CREATING A MECHANISM FOR AN OPEN SYSTEM OF HIGHER
EDUCATION IN THE PHILIPPINES

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. *Title* - This Act shall be known and may be cited as the "Open Tertiary Education Act of 2005."

SEC. 2. *Purpose.* - The purpose of this Act is to create a more equitable and efficient operation of the system of higher education in the Philippines. A mechanism for an open system or tertiary education, hereinafter referred to as open tertiary education, shall be created to supplement the scope of service and outreach of the formal system of higher education.

SEC. 3. *Definition of Terms* - The following basic terms are hereby defined as follows:

- a. The system of higher education includes all institutions, colleges, universities and such other institutions that administer and operate a post secondary educational program evidenced by the granting of a certificate or diploma.
- b. The open tertiary education is a system of delivery or acquiring education other than the graded, structured and class attended formal systems, which mode of delivery /acquisition may include, but not necessarily limited to, the use of radio, television, print media, audio/video equipment, face-to-face interaction, observation, etc. at a place and pace of study determined by the student himself.

SEC. 4. *Grant of Authority* - The governing body of an institution of higher education as defined in subparagraph (a) Section 3 of this Act shall create a mechanism for an open system of post secondary education and authority is granted therefore.

- a. In the case of chartered state, college or university, this Authority is vested upon the governing Board of Regents.
- b. In the case of private institute, college, university or post secondary institutions, this Authority is vested upon the Commission on Higher Education (CHED).

In each case, the governing body may promulgate rules and regulations as may be deemed necessary to implement such a mechanism for an open system of education.

SEC. 5. *Admission Requirement.* - Admission to an open tertiary education shall be governed by a set of admission requirements:

- a. Completion of high school education evidenced by a high school certificate/transcript of records shall be required for admission in a sub-professional (non-degree) program
- b. Admission requirements by the admitting educational institution shall be Instituted in accordance with standards, which may include among others qualification in the National Secondary Admission Test (NSAT).

SEC. 6. *Program Requirements* - There shall be defined a set of courses (subjects) and/or examinations completion of which shall be required for graduation from a program, and which set shall be equivalent to those under the formal system.

- a. The place, pace and mode of study shall be done at the option and convenience of the student, except in the case of examinations whose context, content and conduct shall be determined by the institution.
- b. The Commission on Higher Education and/or the institution concerned shall develop and implement a mechanism to monitor the academic progress of the students: *Provided, however,* That the students may not be normally required without prejudice to emergency demands, to appear before school authorities, for any academic reasons, no more than twice a semester/term.
- c. The CHED shall draft the necessary guidelines for an efficient accreditation system covering the curricula of the open tertiary education.
- d. Completion of a program shall be evidenced by the award of the appropriate certificate or diploma: *Provided,* That the word 'OPEN' shall be enclosed in parentheses after the title or degree thus completed.
- e. For the practice of a profession for which one has acquired the necessary

academic credentials in the Open Tertiary Education, the existing requirements of passing a board or exams shall apply.

SEC. 7. *Support to Students* - Any student enrolled under this Act shall be given access to all privileges, opportunities and entitlements that a student similarly situated under the formal system may have access to, including but not necessarily limited to availment of scholarships, grants and loans from the government or government – administered funding sources.

SEC. 8. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed, superseded or modified accordingly.

SEC. 9. *Separability Clause*. - If any part, section or provision of this Act shall be held invalid or unconstitutional, no other section or provision thereof shall be effected thereby.

SEC. 10. *Effectivity*. - This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved.